



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

18 DEC 2015

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7001 0320 0002 5013 5575

The Honorable Bill Kirkpatrick  
Mayor of Piedmont  
115 West Green Street  
Piedmont, Missouri 63957

Re: Request for Information Pursuant to Section 308 of the Clean Water Act  
(33 U.S.C. § 1318)

**IMMEDIATE ATTENTION REQUIRED**  
**RESPONSE DUE JANUARY 29, 2016**

Dear Mayor Kirkpatrick:

This letter requests information regarding compliance by the City of Piedmont, Missouri, with requirements of its National Pollutant Discharge Elimination System Permit No. MO-0047341. A representative from the U.S. Environmental Protection Agency conducted inspections of the Piedmont Publicly Owned Treatment Works and the Ajinomoto Windsor, Inc., facilities from November 18-20, 2014. A copy of the EPA inspection report for the City's POTW was sent to you by letter dated March 13, 2015. The purpose of this request is to obtain additional information regarding discharges from Ajinomoto Windsor, Inc., to the City's wastewater collection system and actions taken or planned to achieve and maintain compliance with the required pretreatment limitations.

This letter, with its enclosures, is a request for information issued pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a). Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require any person subject to the CWA to provide information required to carry out the objectives of the CWA, including to determine whether there has been a violation of the CWA. Pursuant to Section 308, you are required to provide the information identified in the enclosed Information Request (Enclosure 1). Please read the instructions in the enclosure carefully before preparing your response. A signed Statement of Certification (Enclosure 2) must accompany your response.

The information required herein must be submitted notwithstanding any claim you may have concerning confidentiality. If you wish to assert a claim of confidentiality concerning information submitted in response to this letter, you may do so pursuant to the provisions of 33 U.S.C. § 1318 and 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to said statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B.

Please be advised that submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves its right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C.



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§ 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's November 2015 inspection.

We appreciate your prompt attention to this matter. If you or your staff would like an opportunity to confer, or have any questions relating to this information request, please contact Paul Marshall at (913) 551-7419, or Patricia Miller, the attorney assigned to this matter at (913) 551-7283. Thank you for your cooperation.

Sincerely,



Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

Enclosures

cc: Paul Dickerson, Missouri Dept. of Natural Resources  
Jackson Bostic, Missouri Dept. of Natural Resources, SERO

## ENCLOSURE 1

### INFORMATION REQUEST

**Re: City of Piedmont, Missouri**

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318.

#### I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any answer or document cannot be provided in full, provide the answer or document(s) to the extent possible along with an explanation of why the question cannot be answered or document cannot be provided in its entirety.
3. Certification: The Statement of Certification found in Enclosure 2 must be submitted along with your responses every time a submission is made pursuant to this information request. This statement must be a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience the text of 40 C.F.R. § 122.22(b) is included on Enclosure 2.
4. Confidential Business Information: If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
5. Requests for Extension of Time to Respond: If you believe for any reason that you will not be able to provide a complete response to this Information Request by the required deadline, you may submit a written request for an extension within twenty (20) calendar days of receipt of this letter. When requesting an extension, you must specify which question(s) you will need additional time to answer. All other responses should be submitted on or before the original deadline. For more information, contact Patricia Miller at 913-551-7283.
6. All information must be **postmarked to the EPA no later than January 29, 2016**, unless a different specific date for the submission is stated. All submissions shall be sent in a manner that allows you to track delivery and shall be addressed as follows:

**Paul Marshall  
Environmental Engineer (WWPD/WENF)  
U.S. Environmental Protection Agency Region 7  
11201 Renner Blvd.  
Lenexa, Kansas 66219**

Unless otherwise indicated, all terms used in this request have the meaning and definition as stated in Section 502 of the C.W.A., 33 U.S.C. § 1362, and regulations promulgated thereunder, including 40 CFR §§ 122.2 and 403.3.

## III. Requested Information

Please submit your response to this Information Request **no later than January 29, 2016**. Please clearly identify your responses with a numbering system corresponding to the questions as listed below. (*See, Section I, Instructions.*) If you do not have any of the information requested, you must provide a response stating that you have no such information, documentation, records, etc. This is required for each numbered or lettered question or sub-question to which you are unable to provide the requested information.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk or flash drive in PDF, Word, Excel or other widely available electronic format.

### Preliminary Information

1. Identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to the questions are to be provided by a qualified professional. Provide the name and credentials of the person(s) providing information in response to this Information Request.

### With Regard to the Wastewater Treatment Plant Operations

3. For the time period January 1, 2011, to present, provide a copy of all logs, memos, emails, letters, reports or other documentation regarding the day-to-day operations of the wastewater treatment plant.
4. For the period beginning January 1, 2011, provide copies of all results of samples taken of both the influent and effluent of the City's wastewater treatment plant for any chemical, characteristic, or flow. For each violation of an effluent limitation or condition, provide a description of the cause or suspected cause.
5. Describe how influent and effluent flows are measured at the city's current wastewater treatment plant. Specifically:
  - a) The location in the system where flows are measured, including the location of each such measurement location in a plant diagram;
  - b) The make and model of each flow metering device; and
  - c) The frequency at which each flow meter is calibrated. Provide records of any calibrations made from January 1, 2011 to present.

6. Describe the types of sampling equipment and processes used by the City from January 1, 2011, through the present. Specifically:
  - a) The brand and model used for influent and effluent sampling;
  - b) The frequency that an aliquot is taken for composite samples; and
  - c) If there were any periods when samples were collected by hand rather than by a mechanical sampler, identify the beginning and end dates for each period of non-use.

**With Regard to the City's Wastewater Treatment Plant.**

7. Provide copies of all evaluations of the City's current wastewater treatment plant since its construction was completed, including any reports, assessments, studies, etc. This includes any such evaluations made by the City, Ajinomoto Windsor, Inc., or any of its predecessors (hereafter referred to collectively as "Windsor"), or any other third party.
8. Provide copies of any communication, including letters, emails, meeting notes, minutes, or any other documentation, between the City and Windsor, or either party's agents, that discuss the treatment of Windsor's wastewater – either by treatment processes operated by Windsor or by the City – in preparation for upgrade of the City's treatment plant or following completion of the upgrade.
9. Provide copies of any communications, including letters, emails, meeting notes, minutes, or any other documentation, between the City and Windsor, or either party's agents, that discuss the performance of the City's upgraded wastewater treatment plant.

**With Regard to Treatment of Windsor's Wastewater.**

10. Provide copies of all contracts or agreements between the City and Windsor for wastewater treatment, including but not limited to, permits, contracts, Memoranda of Agreement, treatment agreements and surcharge schedules.
11. Provide copies of all samples taken of Windsor's wastewater contribution to the City from January 1, 2011, through the present and provide the following information:
  - a) The sampling location of each sample;
  - b) The sampling equipment used to take the sample;
  - c) The time between aliquots that comprise the sample;
  - d) The size of each aliquot that was part of the sample; and
  - e) A description of how the flow at the sampling location was determined.
12. Provide a description of all surcharges assessed by the City to Windsor for the treatment of extra strength wastes from January 1, 2011, through present. Specifically:
  - a) Provide copies of all surcharge notifications or a table or spreadsheet listing the surcharge dates and amounts;
  - b) Describe how the surcharges were calculated; and
  - c) Provide information indicated whether each such surcharge was paid by Windsor.



## ENCLOSURE 2

### STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

#### **40 C.F.R. § 122.22(a). Signatories to permit applications and reports.**

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

